

Notice of Allowability

Application No.

09/637,467

Examiner

Zachary A Davis

Applicant(s)

BALLARD, CLINTON L.

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2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 28 May 2004.
2. ☒ The allowed claim(s) is/are 1-23 and 25-30.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment, or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Andrew Caldwell
Andrew Caldwell

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. See MPEP § 606.01.

Please change the title of the invention to: "Limiting Receiver Access to Secure Read-Only Communications Over a Network by Preventing Access to Source-Formatted Plaintext".

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 1 requires descriptive labels in addition to the reference characters. Specifically, element 10 should be labeled as "Wide Area Network" or similar; element 12 should be labeled "Server" or similar; and element 14 should be labeled as "Client" or similar. The new drawings must be submitted on sheets labeled "Replacement Sheet" in compliance with 37 CFR 1.121(d). In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

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3. The following is an examiner's statement of reasons for allowance:

Claims 1-12, 14-21, 23, and 25-30 were rejected under 35 U.S.C. 103(a) as unpatentable over Marvit et al, US Patent 6625734, in view of Benson, US Patent 6301660. Claims 13 and 22 were rejected under 35 U.S.C. 103(a) as unpatentable over Marvit in view of Benson, and further in view of Mack et al, US Patent 5673385.

4. In reference to independent Claim 1, Applicant argues that Marvit does not disclose any limitations on the recipient's access or dissemination of a message once decrypted. This argument is not persuasive. Specifically, Marvit discloses that the cleartext is not provided in any form that can be distributed to other users (column 6, lines 18-20). Marvit further elaborates in the sections titled "Rendering Disseminated Data Inaccessible" and "Tracking Access to Disseminated Data" (column 6, line 34-column 9, line 20).

However, Applicant further argues that Benson does not disclose preventing access to a decrypted message in its source format after a step of reformatting by deleting the source-formatted decrypted message. This argument is persuasive.

Also, Son et al, US Patent 6229895, discloses a method for the secure distribution of encrypted data that includes decrypting data and re-encrypting the data on a remote server (see Figure 5A; column 3, lines 49-59). However, Son is silent as to whether the decrypted data is deleted after being re-encrypted. Although it would be apparent to one of ordinary skill in the art that the remote server must have finite

storage and therefore must eventually delete decrypted data, Claim 1 recites the limitation "when the decryption key is sent to the receiver" regarding the step of deleting the source-formatted decrypted message. Claim 1 therefore is specific as to when the deletion takes place, whereas Son is not. This distinguishes the method of Son from the method of Claim 1.

Further, Boyle et al, US Patent 6118870, discloses performing decryption operations after entering a secure execution mode by masking interrupts (column 6, lines 7-49). This suggests preventing access to a decrypted message in its source format, although not by deleting the source-formatted decrypted message. Marvit discloses using an application shell to inhibit editing functions of the operating system while displaying the cleartext (column 6, lines 21-30); however, this does not reasonably suggest combining the teachings of Boyle and Marvit, as Boyle suggests preventing access by masking interrupts during decryption operations, while Marvit suggests preventing access by limiting the functions of the operating system during viewing. For this reason, Claim 1 is distinguished from the combination of Marvit and Boyle.

Therefore, for the above reasons, Claim 1 is allowable.

5. In reference to independent Claim 9, Applicant argues as applied to Claim 1 above that Marvit does not disclose any limitations on the recipient's access or dissemination of a message once decrypted, nor does Benson disclose deleting the source-formatted decrypted message. These arguments have been addressed above;

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the argument regarding Benson's disclosure is persuasive. Therefore, Claim 9 is allowable.

It is noted that Applicant further argues that none of the cited art discloses testing to determine whether a maximum number of times to send the decryption code has been exceeded, nor of denying permission to decrypt the message when the maximum number is exceeded. This argument is not persuasive. Marvit discloses that a log is used to track when keys are requested and issued, the key requests indicating that decryption is to take place (column 7, line 62-column 8, line 7). Further, Benson discloses that logs can be created to track the time or number of times of use, and that permission for use is determined by comparing the logs with thresholds (column 19, line 58-column 20, line 14).

6. In reference to independent Claim 13, the Claim is directed to a method similar to that of Claim 1, with the narrower limitation of disabling interrupts as a specific step for preventing access to the source-formatted decrypted message. Applicant argues that Marvit and Benson do not disclose the limitations as described above in reference to Claim 1. The argument regarding Benson's disclosure is persuasive. Applicant further argues that Mack does not disclose disabling interrupts specifically to prevent unauthorized access to a secure message. This argument is also persuasive. Further, Boyle does disclose masking interrupts; however, as discussed above in reference to Claim 1, there is no reasonable suggestion to combine the teachings of Boyle and Marvit. Therefore, Claim 13 is allowable.

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7. In reference to independent Claims 14 and 15, Applicant argues that Marvit and Benson do not disclose the deletion of the source-formatted decrypted message. This argument has been addressed above with respect to Claim 1, and is persuasive.

Therefore, Claims 14 and 15 are allowable.

8. Any claims not specifically addressed above are allowed based on their dependence on the above claims.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A Davis whose telephone number is (703) 305-8902, or (571) 272-3870 after 26 October 2004. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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